

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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MARQUORE KNIGHT

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Plaintiff,

\*

v.

\* CIVIL ACTION NO. 1:05-CV-974-WKW  
(WO)

LAMAR GLOVER, *et al.*,

\*

Defendants.

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**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This 42 U.S.C. § 1983 action was filed by Plaintiff on October 12, 2005. When he filed this complaint, Plaintiff was an inmate incarcerated at the Houston County Jail located in Dothan, Alabama.

On December 7, 2005 the court entered an order which instructed Plaintiff, among other things, to inform the court of any change in his address. (Doc. No. 5.) On December 19, 2005 the envelope containing Plaintiff's copy of that order was returned to the court marked "undeliverable" because Plaintiff was no longer at the address he had provided to the court. Consequently, an order was entered on January 6, 2006 directing Plaintiff to provide the court with his present address on or before January 17, 2006. ( Doc. No. 9.) Plaintiff was cautioned that his failure to comply with the court's January 6 order would result in a recommendation that this case be dismissed. (*Id.*) Plaintiff has filed nothing in response to the January 6 order of this court.

It is clear that Plaintiff is no longer incarcerated at the Houston County Jail and that

he has not provided this court with his current address. The undersigned, therefore, concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failure to prosecute this action.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before February 3, 2006. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 23<sup>rd</sup> day of January, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE